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REPORT OF THE SECRETARY-GENERAL PURSUANT TO SECURITY COUNCIL RESOLUTION 1044 (1996)

I. INTRODUCTION

1. In its resolution 1044 (1996) of 31 January 1996, the Security Council called, in paragraph 4 (a), on the Government of the Sudan to "undertake immediate action to extradite to Ethiopia for prosecution the three suspects sheltering in the Sudan and wanted in connection with the assassination attempt" on President Mubarak "on the basis of the 1964 Extradition Treaty between Ethiopia and the Sudan".

2. In paragraph 4 (b) of the same resolution, the Council called on the Sudan to "desist from engaging in activities of assisting, supporting and facilitating terrorist activities and from giving shelter and sanctuary to terrorist elements and act in its relations with its neighbours and with others in full conformity with the Charter of the United Nations and with the Charter of the Organization of African Unity".

3. In paragraph 7 of resolution 1044 (1996), the Council requested the Secretary-General, in consultation with the Organization of African Unity (OAU) to seek the cooperation of the Government of the Sudan in the implementation of that resolution and to report to the Council within 60 days.

4. On 6 February 1996, I informed the Council of my decision to send my Special Adviser, Under-Secretary-General Chinmaya R. Gharekhan, as my Special Envoy to the area to conduct the requisite consultations and gather relevant information to carry out the mandate entrusted to me (S/1996/92). My decision was welcomed and supported by the Council in a letter addressed to me by the President on 8 February 1996 (S/1996/93).

II. MY SPECIAL ENVOY'S MISSION

5. In the course of his mission, which lasted from 18 February to 2 March 1996, my Special Envoy held consultations with the Secretary-General of OAU at its headquarters in Addis Ababa and met with the authorities in Ethiopia, Eritrea, Uganda, the Sudan, Egypt and Tunisia.



Consultations with OAU

6. My Special Envoy met on 19 February 1996 with the Secretary-General of OAU Salim Ahmed Salim. Also present at the meeting was the OAU Assistant Secretary-General for Political Affairs, Daniel Antonio, who had led two OAU missions to the Sudan in pursuance of the mandate given by the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution. My Special Envoy underlined that resolution 1044 (1996) expressed the Security Council's firm support for OAU in its continued efforts to implement its decisions.

7. Mr. Salim noted that the main focus of the OAU efforts, and of its two missions to the Sudan (in November/December 1995 and February 1996), was the complaint of Ethiopia about the Sudan's lack of compliance with the extradition request for the three suspects in the assassination attempt on President Mubarak. The larger issue addressed in paragraph 4 (b) of resolution 1044 (1996) was of undoubted concern to OAU, but for the present, OAU was concentrating on tackling the aftermath of the assassination attempt, which was seen as an attack against OAU itself. The two OAU missions had held extensive meetings with the authorities in the Sudan, but the fact remained that the three suspects had still not been extradited to Ethiopia. The Sudan was insisting that it needed more information from Ethiopia and Egypt about the suspects. The view of both Ethiopia and Egypt was that the Sudan had all the information it needed and knew very well where the three suspects were. OAU appreciated the support of the United Nations and its Secretary-General in its efforts and hoped for close consultations and cooperation.

8. Since his return to New York, my Special Envoy has been in contact with the Secretary-General of OAU. Mr. Salim has informed him that the question of what further action he might take in the matter is under his consideration.

Consultations with the Sudan's neighbours and others

9. In Ethiopia, my Special Envoy was received by the Prime Minister, Meles Zenawi and the Minister for Foreign Affairs, Seyoum Mesfin. They emphasized that the attempt on the life of President Mubarak was not merely a bilateral dispute with the Sudan but had a regional and international dimension. It was only after failing to obtain the Sudan's cooperation in resolving the matter bilaterally or in the forum of OAU that Ethiopia had decided to take it to the Security Council. They expressed their satisfaction at the prompt handling of the matter by the Council and the Secretary-General. Ethiopia recognized that paragraph 4 (a) of resolution 1044 (1996) relating to the assassination attempt and the wider issues addressed in paragraph 4 (b) were inseparable; however, Ethiopia's focus was on the efforts to see the three suspects in the assassination attempt brought to justice in Ethiopia. In this context, they provided my Special Envoy with an in-depth briefing on the events following the assassination attempt on President Mubarak, based mainly on the facts already made available to the Security Council in the letter dated 9 January 1996 from the Permanent Representative of Ethiopia to the President of the Council (S/1996/10). The competent Ethiopian organs had established conclusive evidence against the three suspects and had furnished all the necessary information about them to the Sudanese authorities. Ethiopia had

overwhelming material and human evidence, which could not be divulged for reasons of security, that the Sudanese authorities knew about the whereabouts of the suspects and that requests by the Sudan for additional information were merely delaying tactics. All that was required was the necessary political will on the part of the Sudan to extradite the suspects to Ethiopia. Once the suspects had been arrested by the Sudan, Ethiopia would consider submitting additional information if it was needed to speed up judicial procedures for extradition.

10. The Ethiopian authorities recalled that the initial response of the Sudan to the extradition request had not been discouraging, in the sense that it had not made any attempt to prove that the suspects were not in the Sudan. Ethiopia was given to understand that the Sudanese authorities had needed more time to enable them to take necessary action. However, Ethiopia had established all the facts after thorough investigation and the Prime Minister had sent a letter to the President of the Sudan asking for the extradition of the suspects. The Sudan had confined itself to reshuffling some personnel in its security services and replacing the Minister of the Interior. The Sudan continued to evade the fundamental issue, namely, the extradition request. Extradition by the Sudan of the suspects would send a clear signal to terrorists that they were not welcome in the Sudan.

11. Ethiopia was keen to re-establish friendly relations with the Sudan and the Sudanese Government's refusal to surrender the suspects was the only major problem in the relations between the two countries. Extradition of the suspects would also send a message to other neighbours of the Sudan that the Sudan had broken with the terrorist elements on its territory and stopped its support for their activities.

12. In Eritrea, my Special Envoy was received by the President, Isaias Afwerki, on 22 February 1996. President Afwerki pointed out that Eritrea had been the target of subversion and destabilizing acts supported by the Sudan for several years. Eritrea had compiled a comprehensive report on that question in late 1993 after all bilateral efforts at solving the problem had been exhausted. The persons involved had mainly been recruited by the Khartoum Government and the National Islamic Front in Eritrean refugee camps in the Sudan. Since 1993, Eritrea had captured documents and other evidence of involvement by terrorists belonging to other Arab and Muslim nationalities who were commonly referred to as "Afghanis" because of their participation in the mujahedin war against the Soviet occupation of Afghanistan. The President recalled Eritrea's letter to the Security Council of 15 January 1994 (S/1994/34) in this connection. The reaction of the international community until now had been disappointing and Eritrea had been obliged to deal on its own with the threat posed by the Sudan. Diplomatic efforts, culminating in an Ethiopian-sponsored meeting in July 1994 of the leaders of the Sudan and Eritrea, had failed. Eritrea had then cut its relations with the Sudan and was determined to use any means to defend itself against violations of the international law and the norms of international behaviour by the Sudan. Unfortunately, it had taken the assassination attempt on President Mubarak to create the necessary awareness among the international community of the seriousness of the Sudanese policies. However, President Afwerki emphasized, that specific terrorist act, which he condemned, should not distract attention from the more general threat posed by the Sudanese policy of

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destabilization and subversion that affected millions in the region. He hoped that the Security Council would take determined measures against the Sudan in the event of non-compliance with resolution 1044 (1996).

13. In Uganda, my Special Envoy was received by the Prime Minister, Kintu Musoke, on 23 February 1996. In the Prime Minister's view, the present tensions between the Sudan and other States of the region had their root cause in the internal problems of the Sudan, specifically in the religious and ethnic division between the north and the south of that country. Even the assassination attempt on President Mubarak was a culmination of that internal conflict in Sudan. He expressed his Government's support for resolution 1044 (1996) and wished to see it implemented. He said that the Sudan was supporting two Ugandan rebel movements with a view to destabilizing the Government by arming and training them as well as by providing bases for their activities. The two rebel movements were the Lord's Resistance Army and the West Nile Bank Front. Uganda had captured rebel fighters who had admitted that they were operating from bases in the Sudan. The Sudan was recruiting refugees and sending them back to Uganda to destabilize the border region. The Prime Minister cited a series of cross-border incursions that had taken place with increasing frequency in the second half of 1995. As for the Sudan's allegations that Uganda was supporting the rebel movement in the Sudan, he categorically rejected them. He pointed out that the conflict in the Sudan had started long before the present Government had come to power in Uganda. He also recalled that, between 1990 and 1994, Uganda had permitted Sudanese monitoring teams on its border with the Sudan. In all the four years, these monitors had not found a single incident of Ugandan supplies or other support for the rebels in southern Sudan.

14. In Egypt, my Special Envoy met with the Minister for Foreign Affairs, Amre Moussa, on 29 February 1996 and also held detailed discussions with the responsible senior officers in the Foreign Ministry. The Egyptian authorities emphasized to my Special Envoy that the attempt on the life of President Mubarak was not a bilateral dispute between Egypt and the Sudan or even between Ethiopia and the Sudan; it was aimed at undermining the entire region and indeed the continent of Africa.

15. Egypt had nothing but goodwill for the people of the Sudan. However, the regime in Khartoum was engaged in activities of promoting and supporting terrorism in neighbouring countries, posing a threat to the stability of the neighbours. The Egyptian authorities pointed out that, during the last six to eight months, there had been an upsurge in terrorist acts in southern Egypt, in the region adjacent to the Sudan. Arms caches had been found and all indications pointed to the Sudan as the source of the arms.

16. As far as the three suspects were concerned, Egypt had no doubt whatever, based on investigations carried out by Ethiopian authorities, that they were in the Sudan and that the Sudanese authorities had all the necessary information about them. Details about the sources of such information could not be divulged for reasons of confidentiality. The Sudan was obliged to comply with the demands of the Security Council contained in its resolution 1044 (1996).

17. In Tunisia, my Special Envoy was received by the Minister for Foreign Affairs, Habib Ben Yahia, and Minister of the Interior, Mohamed Jeghan, on 1 and 2 March 1996, respectively. They related that Tunisia had been confronted by religious extremism and terrorism in the early 1990s. Terrorists active in Tunisia had been provided with Sudanese passports, and material and technical devices to build bombs had been smuggled into the country by staff of the Sudanese Embassy in Tunis. Tunisia had also detailed evidence, which was confidential, of training camps for terrorists in the Sudan. These activities by the Sudan had ultimately led to the breaking of diplomatic relations with the Sudan. The Sudan's activities to destabilize Tunisia had diminished since 1992, mainly because of vigilant police work and a policy of social and economic progress. There were, however, still some 10 Tunisian terrorists who had fled to Europe in the early 1990s and who had received and were still receiving support from the Sudan. Some of them had been provided with Sudanese passports. Although Tunisia was not currently suffering from Sudanese-sponsored terrorism, other countries were, and to overcome the terrorist threat completely, international cooperation was needed. Tunisia hoped that, in the wake of resolution 1044 (1996), more thought would be given by the international community on how to confront terrorism globally.

Consultations with the Government of the Sudan

18. In the Sudan, my Special Envoy was received by the President, Omar Al-Bashir, on 27 February, the Minister for Foreign Affairs, Ali Osman Taha, on 25 February, the Minister of the Interior, Bakri Hassan Salih on 26 February, and the Minister of Justice, Abdel Aziz Shido on 27 February and the Director of Public Prosecution who is heading the special committee set up by the Sudan to follow up on the Ethiopian extradition request, also on 27 February 1996. He also had a meeting with Salahuddin Ghazi, Secretary-General of the National Congress of the Sudan.

19. In his discussions with the Sudanese leadership, my Special Envoy conveyed the sense of urgency and seriousness with which the Security Council had considered the entire matter and which was reflected in resolution 1044 (1996). He emphasized that both subparagraphs (a) and (b) of paragraph 4 of the resolution were of great importance to the Security Council.

20. All the Sudanese interlocutors described Security Council resolution 1044 (1996) as unfair, unjust and unbalanced. They complained that the Council had completely ignored the facts as presented by the Sudan in arriving at its decision. Whereas OAU, in its decision taken in December 1995, had asked the Sudan to look for, locate and then extradite the three suspects, the Security Council had based its resolution on the assumption that the suspects were in the Sudan and that the Sudan knew where they were. The Sudan, however, had no idea about the whereabouts of the suspects. The Sudan had even requested assistance from the International Criminal Police Organization (Interpol) which, on 15 February 1996, had informed the Sudanese Government that it did not have any information about the matter. The Sudanese authorities repeatedly complained about Ethiopia's delay of 32 days in providing all the relevant information. Even the information that had been belatedly supplied by Ethiopia was extremely sketchy and inadequate. The Minister of the Interior stated that the Sudan could possibly be more successful in its efforts to locate the suspects provided

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it received full cooperation from the relevant Ethiopian and Egyptian agencies and provided the matter was treated as a criminal case; he added that, if the case was treated as a political issue, all efforts of the Sudan would be in vain.

21. The Minister of Justice of the Sudan, who is also the Attorney General of the country, maintained that the Sudan was in fact complying with paragraph 4 of resolution 1044 (1996) since under it the Sudan was called upon to comply without further delay with the request of OAU. He pointed out that the OAU request was to look for, locate and then extradite the suspects and that was exactly what the Sudanese authorities had been doing. My Special Envoy pointed out that the demand of the Security Council was for the Sudan to undertake immediate action to extradite the suspects to Ethiopia.

22. Similarly, the Sudanese authorities maintained to my Special Envoy that the allegations regarding the Sudan's support for terrorist activities in the neighbouring countries were unfair and unfounded. On the contrary, it was the Sudan that was the victim of destabilization and aggression from its neighbours. The Sudan had written letters to the President of the Security Council complaining about the aggression committed against it by Eritrea (S/1995/522), Egypt (S/1995/616) and Ethiopia (S/1996/29), which had remained unanswered.

23. The President of the Sudan told my Special Envoy that Security Council resolution 1044 (1996) had put the Sudan in a very difficult situation. It had already punished the Sudan by vitiating the investment environment in the country and had caused a sharp decline in the value of the currency. Whereas OAU asked the Sudan to look for the suspects, the Council had assumed that the Sudan knew their location and had asked the Sudan to extradite them to Ethiopia. Despite this unfounded assumption, the President assured my Special Envoy that his Government was responding to resolution 1044 (1996) in a very serious manner. The competent Sudanese authorities had provided my Special Envoy with detailed briefings on the measures taken by the Sudan to locate the suspects. In particular, the Sudan had started to register all Egyptians living in the country; the directorates of police in all states of the Sudan had been provided with all the information available for the search of the suspects; visa requirements had been reintroduced for citizens of Arab countries with effect from August 1995; all persons leaving the Sudan were thoroughly checked with special attention being paid to false passports; a financial incentive had been offered for information leading to the arrest of the suspects; and the available information had been widely disseminated throughout the country through media and posters in public places.

24. Regarding allegations of support by the Sudan in harbouring and encouraging terrorist activities in neighbouring countries, President Al-Bashir described them as totally unfair. In reality, the President said, it was the Sudan that suffered from destabilization by its neighbours. He maintained that Egypt was occupying Sudanese territory in the Halaib area and that Sudanese troops were surrounded and killed by Egypt. He referred to "open military support" offered by the President of Eritrea for anyone willing to topple the Sudanese Government by violent means. (The Sudanese authorities handed over to my Special Envoy a video purporting to establish Eritrea's active support of the Sudanese dissidents.) The President added that the Eritrean Government, in an

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unprecedented act, had offered the Sudanese Embassy in Asmara to the Sudanese opposition groups. Ethiopia was similarly engaged in destabilizing practices and had committed acts of aggression at five locations on the border, using tanks and artillery. As for Uganda, the President said that it had been closely involved with the Sudanese rebels over the past four years, whom it had supplied with tanks, artillery and rocket launchers. The Sudan was not in the least involved in supporting terrorism in neighbouring countries.

25. President Al-Bashir suggested to my Special Envoy that he might pay another visit to the Sudan to continue the consultations. He proposed that the Secretary-General might send a separate military fact-finding mission, which could look into the allegations about the Sudan maintaining terrorist training camps. The fact-finding mission could also verify the Sudan's complaints of aggressive actions committed against it by Ethiopia and Egypt.

III. OBSERVATIONS

26. In its resolution 1044 (1996), the Security Council addressed two demands to the Government of the Sudan, namely, to extradite to Ethiopia the three suspects wanted in connection with the assassination attempt on President Mubarak; and to desist from engaging in activities of assisting, supporting and facilitating terrorist activities and from giving shelter and sanctuary to terrorist elements.

27. With regard to the three suspects, the Government of the Sudan has not yet complied with the demand of the Council. As is evident from the present report, there are basic differences between the Government of the Sudan and the Government of Ethiopia on this matter. The Ethiopian Government is convinced beyond doubt that the Sudan is sheltering the suspects. The Ethiopian authorities have reached this conclusion after extensive investigations as well as on the basis of information gathered from interviews with three of the criminals involved in the assassination attempt who are in the custody of the competent Ethiopian agencies. The Ethiopian Government is understandably anxious to protect the confidentiality of its sources of information and reluctant to reveal them.

28. The Sudanese Government, for its part, maintains that the Ethiopian Government has not provided it with adequate information on which to base its search for the suspects. Furthermore, even this sketchy information was received from Ethiopia after a lapse of 32 days. In spite of these handicaps, the Sudanese authorities assured my Special Envoy that they were continuing with their efforts to look for the suspects. In case they succeeded in apprehending the suspects, the Government of the Sudan would have no difficulty whatever in extraditing them to Ethiopia.

29. Similar differences prevail as regards the second demand of the Security Council contained in paragraph 4 (b) of resolution 1044 (1996). All the neighbouring countries visited by my Special Envoy - Ethiopia, Eritrea, Egypt and Uganda - are unanimous in their conviction that the Sudan is actively engaged in supporting terrorist elements who operate from Sudanese territory, carrying out destabilizing activities in their countries. They affirm that they

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have conclusive evidence of the Sudan's involvement in such terrorist activities but were not willing to reveal it for reasons of security and confidentiality. The Government of Eritrea had prepared a comprehensive report on the subject, the substance of which had been communicated to the Security Council in document S/1994/34. The Governments of the neighbouring countries also affirmed that the Sudan was running camps for training terrorists. The Government of Tunisia told my Special Envoy that the Sudan, until about two years ago, was actively supporting some Tunisian dissidents, furnishing them with sabotage equipment and even, in some cases, giving them Sudanese passports. It is obvious that the neighbouring countries are seriously concerned about all these activities undertaken by the Sudan.

30. The position of the Sudan on paragraph 4 (b) of resolution 1044 (1996) is that it is the Sudan that is the victim of destabilizing activities encouraged and supported by its neighbours. The Sudanese interlocutors with whom my Special Envoy met in Khartoum told him about heavy equipment, including tanks and anti-aircraft guns, which had recently been observed in the south and which, according to them, could only have come through Uganda. Similarly they referred to the activities of the Sudanese rebels who are alleged to be operating from Eritrean territory with the active and public support of the Eritrean Government. As for Ethiopia, the Sudanese authorities complained to my Special Envoy about attacks launched by Ethiopian forces on five different places on its border with the Sudan. Regarding Egypt, the Sudanese Government maintained that it was Egypt that had illegally occupied Sudanese territory in Halaib.

31. In view of the situation as described above, it is obvious that the Sudan has not yet complied with the demand of the Security Council to extradite the three suspects to Ethiopia and that all the neighbours of the Sudan, visited by my Special Envoy, have accused the Sudan of supporting terrorist activities within their territories.

32. It is my intention to keep in close contact with all parties concerned as well as with the Secretary-General of OAU on all aspects of resolution 1044 (1996). I shall keep the Security Council informed on all relevant developments relating to this difficult situation.
